

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

LAST MINUTE CUTS, LLC
and QUANNAH HARRIS,

Plaintiffs,

No. 2:18-cv-02631-MSN-tmp

v.

JERRY BIDDLE, JOHN McCLAIN,
and ROXANNA GUMUCIO,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Magistrate Judge's Report and Recommendation ("Report"), submitted October 18, 2019. (ECF No. 37.) The Report recommends that Defendants Jerry Biddle, John McClain, and Roxanna Gumucio's ("Defendants") Motion to Dismiss ("Motion"), (ECF Nos. 29, 30, 31), be granted in part and denied in part. Specifically, the Report recommends that Defendants' Motion be GRANTED as to all claims brought on behalf of Last Minute Cuts, LLC (such claims to be dismissed without prejudice), and Plaintiff Quannah Harris's procedural due process claim. (*Id.* at PageID 191; 200.) The Report further recommends Defendants' Motion be DENIED as to Defendants' claim that Quannah Harris is attempting to assert a claim on behalf of other Memphis barbershops, and Quannah Harris's substantive due process claim. (*Id.* at PageID 195; 199.)

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. *See United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001) (citing *Gomez v. United States*, 490 U.S. 858, 869–70 (1989));

see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). For dispositive matters, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. §636(b)(1). After reviewing the evidence, the court is free to accept, reject, or modify the magistrate judge’s proposed findings or recommendations. 28 U.S.C. § 636(b)(1). The district court is not required to review—under a *de novo* or any other standard—those aspects of the report and recommendation to which no objection is made. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). The district court should adopt the magistrate judge’s findings and rulings to which no specific objection is filed. *See id.* at 151.

The deadline to object to the Report has passed, and Plaintiffs have filed no objections. The Court has reviewed the Report for clear error and finds none. For the foregoing reasons, the Court **ADOPTS** the Report and **DISMISSES WITHOUT PREJUDICE** all claims brought on behalf of Last Minute Cuts, LLC; and **DISMISSES WITH PREJUDICE** Plaintiff Quannah Harris’s procedural due process claim. Moreover, the Court **CERTIFIES** that any appeal by Plaintiffs in this matter would not be taken in good faith, and therefore, Plaintiffs may not proceed on appeal *in forma pauperis*.

IT IS SO ORDERED, this 21st day of November, 2019.

s/ Mark Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE